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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:  
Date: MAY 19, 2005 Name: JOHN MURRAY Signature: John Murray

BRINKS  
HOFFER  
GILSON  
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Miles B. Brennan et al.

Appln. No.: 10/764,712

Filed: January 23, 2004

For: Method for Treatment of Insulin Resistance  
in Obesity and Diabetes

Attorney Docket No: 11320-33

Examiner: N/A

Art Unit: 1645

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

☒ Third Supplemental Information Disclosure Statement (in duplicate), Form PTO-1449 identifying 12 references, copies of references D7-D12.

☒ Return Receipt Postcard

Fee calculation:

☐ No additional fee is required.

☐ Small Entity.

☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).

☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_\_).

☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
Total					\$			Total \$	

Fee payment:

☐ A check in the amount of \$\_\_\_\_\_ is enclosed.

☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.

☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).

☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

Date May 19, 2005

John Murray  
John Murray, Ph.D. (Reg. No. 44,251)



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Miles B. Brennan ET AL.

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Filed: January 23, 2004

For: METHOD FOR TREATMENT OF  
INSULIN RESISTANCE IN  
OBESITY AND DIABETES

Attorney Docket No: 11320-33

Examiner: N/A

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### THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and more particularly in accordance with 37 C.F.R. §1.97(b), Applicants hereby cite the following reference(s):

No.	Date of Publication	Patentee/Applicant/Assignee
5,420,109	05/1995	Suto et al.
5,726,156	03/1998	Girten et al.
5,760,001	06/1998	Girten et al.
5,786,332	07/1998	Girten et al.
6,245,738	06/2001	Suto et al.
6,350,430	02/2002	Dooley et al.

WO95/13086	05/1995	WIPO
WO96/27386	09/1996	WIPO

Weinger M.B. et al., "The respiratory effects of the cytokine regulating agent HP 228 alone and in combination with morphine in human volunteers", Pharmacol Biochem Behav. 1998 March, 59(3): 759-66, abstract, one page
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Abou-Mohamed G. et al., "HP-228, a novel synthetic peptide, inhibits the induction of nitric oxide synthase in vivo but not in vitro", J Pharacol Exp Ther. 1995 Nov;275(2):584-91, abstract, one page

Applicants are enclosing Form PTO-1449 (one sheet), along with a copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2). As each of the listed references is in English, no further commentary is believed to be necessary, 37 C.F.R. §1.98(a)(3). Applicants respectfully request the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

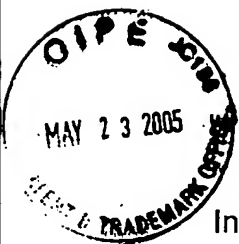
By submitting this Statement, Applicants are attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

Applicants have calculated no fee to be due in connection with the filing of this Statement. However, the Director is authorized to charge any fee deficiency associated with the filing of this Statement to a deposit account, as authorized in the Transmittal accompanying this Statement.

Respectfully submitted,

May 19, 2005  
Date

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John Murray, Ph.D. (Reg. No. 44,251)



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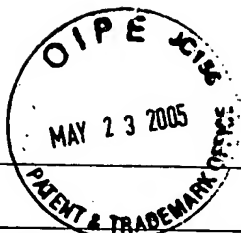
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May 19, 2005  
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John Murray, Ph.D. (Reg. No. 44,251)



FORM PTO-1449	SERIAL NO. 10/764,712	CASE NO. 11320-33
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE January 23, 2004	GROUP ART UNIT 1635
(use several sheets if necessary)		APPLICANTS: Miles B. Brennan et al.

## REFERENCE DESIGNATION

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	D1	5,420,109	05/1995	Suto et al.		
	D2	5,726,156	03/1998	Girten et al.		
	D3	5,760,001	06/1998	Girten et al.		
	D4	5,786,332	07/1998	Girten et al.		
	D5	6,245,738	06/2001	Suto et al.		
	D6	6,350,430	02/2002	Dooley et al.		

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
	D7	WO95/13086	05/1995	WIPO		
	D8	WO96/27386	09/1996	WIPO		

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS <small>(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.</small>	
	D9	Weinger M.B. et al., "The respiratory effects of the cytokine regulating agent HP 228 alone and in combination with morphine in human volunteers", Pharmacol Biochem Behav. 1998 March, 59(3): 759-66, abstract, one page
	D10	Schioth H.B. et al., "Characterization of the binding of MSH-B, HB-228, GHRP-6 and 153N-6 to the human melanocortin receptor subtypes", Neuropeptides, 1997 December; 31(3):565-71, abstract, one page
	D11	Calcutt N.A. et al., "Effects of the peptide HP228 on nerve disorders in diabetic rats", Metabolism, 1998 June;47(6):650-6, abstract, one page
	D12	Abou-Mohamed G. et al., "HP-228, a novel synthetic peptide, inhibits the induction of nitric oxide synthase in vivo but not in vitro", J Pharacol Exp Ther. 1995 Nov;275(2):584-91, abstract, one page

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.